

JOURNAL OF THE HOUSE

NINETIETH SESSION

SIXTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Wednesday, January 21, 2015

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor J. P. Mosley, Jr., followed by the Pledge of Allegiance led by House page LaTrisha Schindler.

Roll Call: All members present except Rep. Hawks who was excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the fifth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Dean Wink, Chair

Which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on State Affairs respectfully reports that it has had under consideration HB 1035 and 1036 and returns the same with the recommendation that said bills do pass and be placed on the consent calendar.

Respectfully submitted,
Brian G. Gosch, Chair

Also MR. SPEAKER:

The Committee on Commerce and Energy respectfully reports that it has had under consideration HB 1025, 1026, and 1028 and returns the same with the recommendation that said bills do pass.

Also MR. SPEAKER:

The Committee on Commerce and Energy respectfully reports that it has had under consideration HB 1024 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

Respectfully submitted,
Tim Rounds, Chair

MESSAGES FROM THE SENATE

MR. SPEAKER:

I have the honor to transmit herewith SB 23 and 35 which have passed the Senate and your favorable consideration is respectfully requested.

Respectfully,
Kay Johnson, Secretary

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MOTIONS AND RESOLUTIONS

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Rep. Gosch moved that the Inaugural Address delivered by Governor Dennis Daugaard on Saturday, January 10, 2015, in the Capitol Rotunda, be printed in its entirety in the House Journal of the 6th legislative day for purposes of historical record.

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Which motion prevailed.

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INAUGURAL ADDRESS

7

JANUARY 10, 2015

8

PIERRE, SOUTH DAKOTA

9

GOVERNOR DENNIS DAUGAARD

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Mr. Chief Justice, honorable members of the Supreme Court, Lt. Governor Michels, legislators, constitutional officers, family, friends, all South Dakotans:

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It is truly an honor to stand before you today, to take the oath of office for a second time as Governor of South Dakota. In fact, I'd say it's a greater honor today to take this oath for the second time than it was four years ago.

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I sought this office four years ago because I believed I had something to offer. I used that campaign to tell South Dakotans about myself and about the values of hard work, self-reliance, and frugality that I believe we all share. You gave me this job four years ago based on potential.

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I think back now to that inauguration in 2011. It wasn't an easy time to be serving in public office. We were recovering from the worst recession since the Great Depression, and we were faced with very difficult decisions. We joined together, all of us, and applied a very simple principle – we can't spend money we don't have.

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But a simple principle doesn't always lead to an easy decision. I will never forget, and I will always be thankful, for the courage and the leadership that our legislature showed, and the sacrifices that so many bore, to bring our state back into balance. We are a better state today because of it.

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When I sought this office for a second time last year, I was no longer asking the voters to judge me based on potential. I asked them to consider my record, and the record of the legislators who have joined with me. I am very thankful for the strong message of support that South Dakota showed for the decisions we have made.

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We have proven that South Dakota values still work. We have shown the rest of the nation that there is a better way. And others are taking notice.

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Our bond rating has been upgraded, not downgraded, with a positive outlook for the future. We recovered all the jobs lost during the recession more than two years before the rest of the nation, and we consistently have one of the lowest unemployment rates in the nation. Our agricultural economy is as strong as ever.

1 Again and again South Dakota has achieved recognition as one of the best or the strongest
2 economies in the nation. The best state to do business. The best tax climate in the nation. The
3 best state for entrepreneurs. The best state for young people. The best state for retirees. The best
4 run state in America. We were even recognized by one source for smiling more than any other
5 state - and I can see that is true.

6 Some of those rankings are more valid than others, but I am always proud to see our state ranked
7 among the best. These rankings are not the source of strength. They are just evidence that the
8 rest of the nation is seeing the results of our values put into practice.

9 It was President Grover Cleveland who said "a public office is a public trust." I'll say that again.
10 "A public office is a public trust." This is a principle I strive to follow. It's not my government.
11 It's not the legislature's government. It's not the Supreme Court's government. As our state seal
12 says, "Under God, the people rule." All of us who are called to public service must remember
13 this. With every decision we make, we must first consider what is morally right, and then we
14 must consider what the people would do, given the same information that we have been given.

15 I don't consider myself a person who seeks attention. In some ways, politics doesn't come very
16 naturally to me. But I don't think South Dakotans want attention-seekers in government. South
17 Dakotans don't want our state government to be a source of drama or entertainment. We get
18 enough excitement, unpredictability, and cliffhangers from our federal government. But as our
19 friends in Washington have shown us, good television doesn't make for good government.
20 Partisan warfare does not lead to sound and stable management.

21 The word that best sums up the public trust held by all officials is stewardship. Stewardship.
22 The careful and responsible management of something entrusted to one's care. Good
23 stewardship has been my goal over these past four years, and it will be my goal over the next
24 four as well.

25 It was good stewardship – careful and responsible management – that brought our budget into
26 structural balance four years ago.

27 It has been good stewardship, each year thereafter, to project our revenues and expenses with
28 caution, so that if we erred, we would err on the side of a surplus not on a deficit side.

29 Our Retirement System Trustees have exercised good stewardship to manage our state pension
30 plan, so it is fully funded and in sound condition for present and future retirees. In fact, we are
31 one of only a very few states in the nation that can say that, and I'm very proud of that.

32 But good stewardship does not always mean not spending. Frugality is not the same as
33 cheapness. A cheap person refuses to spend money even when it would be wise to do so. A
34 frugal person is careful with money, but understands that sometimes spending in the short run
35 can pay bigger dividends in the long run.

36 This very rotunda is an example of that. Two years ago, we learned that the glass floor in the
37 rotunda was at risk of collapse. This capitol building was built using designs of the Montana
38 state capitol, and their floor was beginning to weaken. We spent money in the short term to

reinforce this floor with steel plates and steel beams, so that ceremonies like this can be held in this rotunda for decades and centuries to come.

In a similar way, about a year ago, we learned that the stained glass above us was also at risk of collapse. The 100-yr-old lead was giving way, and half-measure repairs that had been used in the past were failing. Again, we spent money in the short term, to preserve the beauty of this capitol and make it more durable, even more durable than originally. It will last for a century or more.

Just as it can be wise to spend to strengthen the structure of a building, it can be wise to strengthen the structure of our government. That is why it was good stewardship to enact the reforms of our criminal justice system. These were accomplished in the short term, but with long-term effects to improve public safety, hold offenders accountable, and save money. In fact, only two short years later, we have already saved money because of these reforms.

Likewise, when we received an unexpected windfall last year, we used the money to retire bonds early and to pay cash for a new veterans' home rather than borrowing. We were able to increase spending on education and Medicaid more quickly because of the savings we enjoyed from those decisions.

We have protected the beauty of the Black Hills, created new opportunities for recreation in the east and the west, and taken steps to preserve our state's pheasant hunting heritage. These are short-term steps with long-term consequences.

This principle of stewardship – careful and responsible management – will continue to be my goal for the next four years. We won't spend money we don't have. We will keep our budget in structural balance. We will be frugal, not cheap, and seize opportunities to spend in the short term where it can lead to savings, or efficiencies, or better government in the long term.

And we will spend what we need to spend to maintain our state's assets, so that when we leave the state it will be in a better condition than as we found it.

Just over one hundred years ago, ex-president Theodore Roosevelt spoke at the Sorbonne in the Grand Amphitheater at the University of Paris. He had come to Paris with his son Kermit, just days before by way of the Orient Express, to give his well-known "Citizenship in a Republic" speech.

The speech emphasized his belief that the success of a republic depends not upon the brilliance of its citizens but upon their discipline, work, and character – the quality of its people. He told the audience:

Self-restraint, self-mastery, common sense, the power of accepting individual responsibility and yet acting in conjunction with others, courage, and resolution - these are the qualities which mark a masterful people.

I believe that these same qualities still mark the citizens of our state.

1 Linda and I are grateful and excited to continue in the roles of governor and first lady for
2 another four years. I must tell you, though; we have found another set of titles that we enjoy
3 even more – grandpa and grandma. Just last Monday we welcomed our fourth grandchild, Greta,
4 into the world.

5 Four years ago, I closed my address by talking about my grandparents and my parents. Although
6 my parents didn't live long enough to see this day, my uncle Howard was planning to be here
7 today. Ninety-six years ago, he was born in the farmhouse where I later grew up. Unfortunately,
8 he fell and broke his hip and couldn't be here, but I am hoping he is watching. But even as we're
9 acknowledging his generation, today, even more, I'm thinking about our four grandchildren:
10 Henry, Stella, Elizabeth, and Greta. They are not here with us for the ceremony. You would
11 have heard them if they were.

12 If you ask two-year-old Henry, "Who's your favorite governor?" he'll answer, "Grandpa!" I kind
13 of like that. When North Dakota Governor Jack Dalrymple was here visiting South Dakota for
14 our 125th anniversary celebration, I was feeling pretty cocky. When Henry was asked, in Jack's
15 presence, "Who's your favorite governor?" "Jack", he said. Henry's parents had foreseen the
16 opportunity to play a little joke on me.

17 It is funny to think about it, but these four grandchildren will hopefully live to see South Dakota
18 celebrate our bicentennial, 74 years from now.

19 I like to imagine that someday before that, in 20 or 30 or 50 years, my grandchildren may look
20 at an old video and listen to what their grandfather had to say here today.

21 As they watch this speech, they will know whether we succeeded or failed. They will know if
22 South Dakota is stronger or weaker than we are today. They will know at that time if we stayed
23 true to our values of hard work, perseverance, and frugality. They will know if we exercised
24 self-restraint, self-mastery, and common sense, if we accepted individual responsibility, if we
25 showed courage and resolution.

26 These are values I hope to teach my grandchildren, but they are not values I taught to South
27 Dakota. They are values South Dakota taught to me. And we must teach them to our
28 grandchildren and children.

29 That is why we must all recommit ourselves today to the stewardship of this state. As I said four
30 years ago, it is not preordained that South Dakota will always be strong, or prosperous, or free.
31 It is the obligation of every generation to secure these blessings for the generations to come. If
32 we ever fail, it will be because we forgot those values that have served us for so long.

33 May we in South Dakota always be a masterful people, and like our forbearers before us, let us
34 confront the challenges ahead with common sense, courage, and resolution. To do just that, is
35 my pledge to you today. Thank you so much, so much, for the opportunity to serve you again.

1 **CONSIDERATION OF REPORTS OF COMMITTEES**

2 Rep. Gosch moved that the report of the Standing Committee on
3 Health and Human Services on HB 1015 as found on page 54 of the House Journal be
4 adopted.

5 Which motion prevailed.

6 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

7 HB 1065 Introduced by: Representatives Stevens, Gibson, Gosch, Johns, and Langer and
8 Senators Rusch and Rave

9 FOR AN ACT ENTITLED, An Act to revise certain provisions related to voting trusts and
10 agreements.

11 Was read the first time.

12 HB 1066 Introduced by: Representatives Haggar (Don), Deutsch, Dryden, Klumb,
13 Novstrup (Al), Rounds, Rozum, Sly, Solum, and Stalzer and Senators Tieszen, Brown, Buhl
14 O'Donnell, Ewing, Heinert, Lederman, Otten (Ernie), Parsley, and Solano

15 FOR AN ACT ENTITLED, An Act to clarify that the required notice requirements related
16 to continuing contracts do not apply to employees of postsecondary technical institutes.

17 Was read the first time.

18 HB 1067 Introduced by: Representatives Schoenbeck, Gibson, Haugaard, Hunt, Johns,
19 Russell, and Stevens and Senators Rusch, Brown, Buhl O'Donnell, and Vehle

20 FOR AN ACT ENTITLED, An Act to establish maximum reproduction costs for medical
21 records.

22 Was read the first time.

23 HB 1068 Introduced by: Representatives Johns, Gibson, Gosch, Langer, and Stevens and
24 Senators Lederman, Rave, and Rusch

25 FOR AN ACT ENTITLED, An Act to revise when a court can grant a cross credit on child
26 support.

1 Was read the first time.

2 HB 1069 Introduced by: Representatives Stalzer, Anderson, Beal, Bolin, Craig, Deutsch,
3 DiSanto, Gosch, Haggar (Don), Harrison, Haugaard, Heinemann (Leslie), Hickey, Langer,
4 Latterell, Mickelson, Novstrup (Al), Otten (Herman), Qualm, Stevens, Verchio, Werner,
5 Westra, Wiik, Willadsen, Wink, Wollmann, and Zikmund and Senators Otten (Ernie), Holien,
6 Jensen (Phil), Lederman, Novstrup (David), and Omdahl

7 FOR AN ACT ENTITLED, An Act to limit the authority of delegates to a limited Article
8 V convention to vote for unauthorized amendments contrary to legislative instructions and to
9 provide a civil fine for the violation thereof.

10 Was read the first time.

11 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

12 SB 23: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
13 ownership and management of the South Dakota Art Museum.

14 Was read the first time.

15 SB 35: FOR AN ACT ENTITLED, An Act to repeal certain outdated and unnecessary
16 statutes and rules related to the Department of Veterans Affairs.

17 Was read the first time.

18 **SECOND READING OF CONSENT CALENDAR ITEMS**

19 HB 1006: FOR AN ACT ENTITLED, An Act to allow bullheads to be used as bait.

20 Was read the second time.

21 Rep. Bolin requested that HB 1006 be removed from the Consent Calendar.

22 Which request was granted.

23 HB 1014: FOR AN ACT ENTITLED, An Act to repeal certain obsolete and unnecessary
24 statutes relating to the Department of Environment and Natural Resources.

25 Was read the second time.

1 The question being "Shall HB 1014 pass?"

2 And the roll being called:

3 Yeas 69, Nays 0, Excused 1, Absent 0

4 Yeas:

5 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
6 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Hagggar (Don);
7 Harrison; Haugaard; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt;
8 Jensen (Alex); Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May;
9 McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson
10 (Kent); Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck;
11 Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra;
12 Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

13 Excused:

14 Hawks

15 So the bill having received an affirmative vote of a majority of the members-elect, the
16 Speaker declared the bill passed and the title was agreed to.

17 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

18 HB 1045: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
19 licensure of dentists and dental hygienists and registration of dental auxiliaries.

20 Was read the second time.

21 The question being "Shall HB 1045 pass?"

22 And the roll being called:

23 Yeas 69, Nays 0, Excused 1, Absent 0

24 Yeas:

25 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
26 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Hagggar (Don);
27 Harrison; Haugaard; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt;
28 Jensen (Alex); Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May;
29 McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson
30 (Kent); Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck;
31 Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra;
32 Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

1 Excused:
2 Hawks

3 So the bill having received an affirmative vote of a majority of the members-elect, the
4 Speaker declared the bill passed and the title was agreed to.

5 HB 1058: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
6 contagious disease control quarantine measures and to declare an emergency.

7 Was read the second time.

8 Rep. Sly moved that HB 1058 be deferred to Tuesday, January 27, the 10th legislative day.

9 Which motion prevailed.

10 HB 1059: FOR AN ACT ENTITLED, An Act to allow authorized entities to access
11 immunization information in certain circumstances.

12 Was read the second time.

13 Rep. Conzet moved that HB 1059 be deferred to Wednesday, January 28, the
14 11th legislative day.

15 Which motion prevailed.

16 Rep. Anderson moved that the House do now adjourn, which motion prevailed and at
17 2:23 p.m. the House adjourned.

18 Arlene Kvislen, Chief Clerk